

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

JOHN V. EHLERS
8533 East California Drive
Kingman, AZ 86401

Registered Nurse License No. 524739

Respondent

Case No. 2012-269

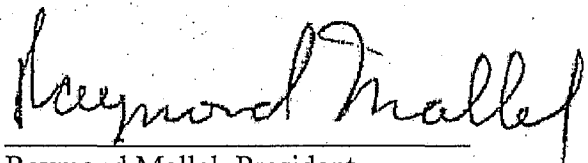
OAH No. 2011110886

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on **November 15, 2012.**

IT IS SO ORDERED **October 16, 2012.**



Raymond Mallel, President
Board of Registered Nursing
Department of Consumer Affairs
State of California

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Supervising Deputy Attorney General
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7 *Attorneys for Complainant*

8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2012-269

13 **JOHN V. EHLERS**
8533 East California Drive
Kingman, AZ 86401

OAH No. 2011110886

14 **Registered Nurse License No. 524739**

15 **STIPULATED SETTLEMENT AND**
16 **DISCIPLINARY ORDER**

17 Respondent.

18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
19 entitled proceedings that the following matters are true:

20 **PARTIES**

21 1. Louise R. Bailey, M.Ed., RN (Complainant) is the Interim Executive Officer of the
22 Board of Registered Nursing. She brought this action solely in her official capacity and is
23 represented in this matter by Kamala D. Harris, Attorney General of the State of California, by
24 Cristina Felix, Deputy Attorney General.

25 2. Respondent John V. Ehlers (Respondent) is represented in this proceeding by attorney
26 Marisol Ocampo, whose address is:

27 Century Law Group
5200 W. Century Boulevard, Suite 345
Los Angeles, CA 90045

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3. On or about August 1, 1996, the Board of Registered Nursing issued Registered Nurse License No. 524739 to John V. Ehlers (Respondent). The Registered Nurse License was in full force and effect at all times relevant to the charges brought in Accusation No. 2012-269 and will expire on March 31, 2013, unless renewed.

JURISDICTION

4. Accusation No. 2012-269 was filed before the Board of Registered Nursing (Board), Department of Consumer Affairs, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on October 27, 2011. Respondent timely filed his Notice of Defense contesting the Accusation.

5. A copy of Accusation No. 2012-269 is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

6. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 2012-269. Respondent has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

7. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel at his own expense; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

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1 CULPABILITY

2 9. Respondent admits the truth of each and every charge and allegation in Accusation
3 No. 2012-269.

4 10. Respondent agrees that his Registered Nurse License is subject to discipline and he
5 agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order below.

6 CONTINGENCY

7 11. This stipulation shall be subject to approval by the Board of Registered Nursing.
8 Respondent understands and agrees that counsel for Complainant and the staff of the Board of
9 Registered Nursing may communicate directly with the Board regarding this stipulation and
10 settlement, without notice to or participation by Respondent or his counsel. By signing the
11 stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek
12 to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails
13 to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary
14 Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal
15 action between the parties, and the Board shall not be disqualified from further action by having
16 considered this matter.

17 12. The parties understand and agree that facsimile copies of this Stipulated Settlement
18 and Disciplinary Order, including facsimile signatures thereto, shall have the same force and
19 effect as the originals.

20 13. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an
21 integrated writing representing the complete, final, and exclusive embodiment of their agreement.
22 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,
23 negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary
24 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a
25 writing executed by an authorized representative of each of the parties.

26 14. In consideration of the foregoing admissions and stipulations, the parties agree that
27 the Board may, without further notice or formal proceeding, issue and enter the following
28 Disciplinary Order:

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Registered Nurse License No. 524739 issued to Respondent John V. Ehlers (Respondent) is revoked. However, the revocation is stayed and Respondent is placed on probation for three (3) years on the following terms and conditions.

Severability Clause. Each condition of probation contained herein is a separate and distinct condition. If any condition of this Order, or any application thereof, is declared unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other applications thereof, shall not be affected. Each condition of this Order shall separately be valid and enforceable to the fullest extent permitted by law.

1. **Obey All Laws.** Respondent shall obey all federal, state and local laws. A full and detailed account of any and all violations of law shall be reported by Respondent to the Board in writing within seventy-two (72) hours of occurrence. To permit monitoring of compliance with this condition, Respondent shall submit completed fingerprint forms and fingerprint fees within 45 days of the effective date of the decision, unless previously submitted as part of the licensure application process.

Criminal Court Orders: If Respondent is under criminal court orders, including probation or parole, and the order is violated, this shall be deemed a violation of these probation conditions, and may result in the filing of an accusation and/or petition to revoke probation.

2. **Comply with the Board's Probation Program.** Respondent shall fully comply with the conditions of the Probation Program established by the Board and cooperate with representatives of the Board in its monitoring and investigation of the Respondent's compliance with the Board's Probation Program. Respondent shall inform the Board in writing within no more than 15 days of any address change and shall at all times maintain an active, current license status with the Board, including during any period of suspension.

Upon successful completion of probation, Respondent's license shall be fully restored.

3. **Report in Person.** Respondent, during the period of probation, shall appear in person at interviews/meetings as directed by the Board or its designated representatives.

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1 4. **Residency, Practice, or Licensure Outside of State.** Periods of residency or
2 practice as a registered nurse outside of California shall not apply toward a reduction of this
3 probation time period. Respondent's probation is tolled, if and when he resides outside of
4 California. Respondent must provide written notice to the Board within 15 days of any change of
5 residency or practice outside the state, and within 30 days prior to re-establishing residency or
6 returning to practice in this state.

7 Respondent shall provide a list of all states and territories where he has ever been licensed
8 as a registered nurse, vocational nurse, or practical nurse. Respondent shall further provide
9 information regarding the status of each license and any changes in such license status during the
10 term of probation. Respondent shall inform the Board if he applies for or obtains a new nursing
11 license during the term of probation.

12 5. **Submit Written Reports.** Respondent, during the period of probation, shall submit
13 or cause to be submitted such written reports/declarations and verification of actions under
14 penalty of perjury, as required by the Board. These reports/declarations shall contain statements
15 relative to Respondent's compliance with all the conditions of the Board's Probation Program.
16 Respondent shall immediately execute all release of information forms as may be required by the
17 Board or its representatives.

18 Respondent shall provide a copy of this Decision to the nursing regulatory agency in every
19 state and territory in which he has a registered nurse license.

20 6. **Function as a Registered Nurse.** Respondent, during the period of probation, shall
21 engage in the practice of registered nursing in California for a minimum of 24 hours per week for
22 6 consecutive months or as determined by the Board.

23 For purposes of compliance with the section, "engage in the practice of registered nursing"
24 may include, when approved by the Board, volunteer work as a registered nurse, or work in any
25 non-direct patient care position that requires licensure as a registered nurse.

26 The Board may require that advanced practice nurses engage in advanced practice nursing
27 for a minimum of 24 hours per week for 6 consecutive months or as determined by the Board.

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1 If Respondent has not complied with this condition during the probationary term, and
2 Respondent has presented sufficient documentation of his good faith efforts to comply with this
3 condition, and if no other conditions have been violated, the Board, in its discretion, may grant an
4 extension of Respondent's probation period up to one year without further hearing in order to
5 comply with this condition. During the one year extension, all original conditions of probation
6 shall apply.

7 **7. Employment Approval and Reporting Requirements.** Respondent shall obtain
8 prior approval from the Board before commencing or continuing any employment, paid or
9 voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all
10 performance evaluations and other employment related reports as a registered nurse upon request
11 of the Board.

12 Respondent shall provide a copy of this Decision to his employer and immediate
13 supervisors prior to commencement of any nursing or other health care related employment.

14 In addition to the above, Respondent shall notify the Board in writing within seventy-two
15 (72) hours after he obtains any nursing or other health care related employment. Respondent
16 shall notify the Board in writing within seventy-two (72) hours after he is terminated or separated,
17 regardless of cause, from any nursing, or other health care related employment with a full
18 explanation of the circumstances surrounding the termination or separation.

19 **8. Supervision.** Respondent shall obtain prior approval from the Board regarding
20 Respondent's level of supervision and/or collaboration before commencing or continuing any
21 employment as a registered nurse, or education and training that includes patient care.

22 Respondent shall practice only under the direct supervision of a registered nurse in good
23 standing (no current discipline) with the Board of Registered Nursing, unless alternative methods
24 of supervision and/or collaboration (e.g., with an advanced practice nurse or physician) are
25 approved.

26 Respondent's level of supervision and/or collaboration may include, but is not limited to the
27 following:

28 ///

1 (a) Maximum - The individual providing supervision and/or collaboration is present in
2 the patient care area or in any other work setting at all times.

3 (b) Moderate - The individual providing supervision and/or collaboration is in the patient
4 care unit or in any other work setting at least half the hours Respondent works.

5 (c) Minimum - The individual providing supervision and/or collaboration has person-to-
6 person communication with Respondent at least twice during each shift worked.

7 (d) Home Health Care - If Respondent is approved to work in the home health care
8 setting, the individual providing supervision and/or collaboration shall have person-to-person
9 communication with Respondent as required by the Board each work day. Respondent shall
10 maintain telephone or other telecommunication contact with the individual providing supervision
11 and/or collaboration as required by the Board during each work day. The individual providing
12 supervision and/or collaboration shall conduct, as required by the Board, periodic, on-site visits to
13 patients' homes visited by Respondent with or without Respondent present.

14 9. **Employment Limitations.** Respondent shall not work for a nurse's registry, in any
15 private duty position as a registered nurse, a temporary nurse placement agency, a traveling nurse,
16 or for an in-house nursing pool.

17 Respondent shall not work for a licensed home health agency as a visiting nurse unless the
18 registered nursing supervision and other protections for home visits have been approved by the
19 Board. Respondent shall not work in any other registered nursing occupation where home visits
20 are required.

21 Respondent shall not work in any health care setting as a supervisor of registered nurses.
22 The Board may additionally restrict Respondent from supervising licensed vocational nurses
23 and/or unlicensed assistive personnel on a case-by-case basis.

24 Respondent shall not work as a faculty member in an approved school of nursing or as an
25 instructor in a Board approved continuing education program.

26 Respondent shall work only on a regularly assigned, identified and predetermined
27 worksite(s) and shall not work in a float capacity.

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1 If Respondent is working or intends to work in excess of 40 hours per week, the Board may
2 request documentation to determine whether there should be restrictions on the hours of work.

3 **10. Complete a Nursing Course(s).** Respondent, at his own expense, shall enroll and
4 successfully complete a course(s) relevant to the practice of registered nursing no later than six
5 months prior to the end of his probationary term.

6 Respondent shall obtain prior approval from the Board before enrolling in the course(s).
7 Respondent shall submit to the Board the original transcripts or certificates of completion for the
8 above required course(s). The Board shall return the original documents to Respondent after
9 photocopying them for its records.

10 **11. Cost Recovery.** Respondent shall pay to the Board costs associated with its
11 investigation and enforcement pursuant to Business and Professions Code section 125.3 in the
12 amount of \$2,785.00. Respondent shall be permitted to pay these costs in a payment plan
13 approved by the Board, with payments to be completed no later than three months prior to the end
14 of the probation term.

15 If Respondent has not complied with this condition during the probationary term, and
16 Respondent has presented sufficient documentation of his good faith efforts to comply with this
17 condition, and if no other conditions have been violated, the Board, in its discretion, may grant an
18 extension of Respondent's probation period up to one year without further hearing in order to
19 comply with this condition. During the one year extension, all original conditions of probation
20 will apply.

21 **12. Violation of Probation.** If Respondent violates the conditions of his probation, the
22 Board after giving Respondent notice and an opportunity to be heard, may set aside the stay order
23 and impose the stayed discipline (revocation/suspension) of Respondent's license.

24 If during the period of probation, an accusation or petition to revoke probation has been
25 filed against Respondent's license or the Attorney General's Office has been requested to prepare
26 an accusation or petition to revoke probation against Respondent's license, the probationary
27 period shall automatically be extended and shall not expire until the accusation or petition has
28 been acted upon by the Board.

1 13. **License Surrender.** During Respondent's term of probation, if he ceases practicing
2 due to retirement, health reasons or is otherwise unable to satisfy the conditions of probation,
3 Respondent may surrender his license to the Board. The Board reserves the right to evaluate
4 Respondent's request and to exercise its discretion whether to grant the request, or to take any
5 other action deemed appropriate and reasonable under the circumstances, without further hearing.
6 Upon formal acceptance of the tendered license and wall certificate, Respondent will no longer be
7 subject to the conditions of probation.

8 Surrender of Respondent's license shall be considered a disciplinary action and shall
9 become a part of Respondent's license history with the Board. A registered nurse whose license
10 has been surrendered may petition the Board for reinstatement no sooner than the following
11 minimum periods from the effective date of the disciplinary decision:

12 (1) Two years for reinstatement of a license that was surrendered for any reason other
13 than a mental or physical illness; or

14 (2) One year for a license surrendered for a mental or physical illness.

15 14. **Mental Health Examination.** Respondent shall, within 45 days of the effective date
16 of this Decision, have a mental health examination including psychological testing as appropriate
17 to determine his capability to perform the duties of a registered nurse. The examination will be
18 performed by a psychiatrist, psychologist or other licensed mental health practitioner approved by
19 the Board. The examining mental health practitioner will submit a written report of that
20 assessment and recommendations to the Board. All costs are the responsibility of Respondent.
21 Recommendations for treatment, therapy or counseling made as a result of the mental health
22 examination will be instituted and followed by Respondent.

23 If Respondent is determined to be unable to practice safely as a registered nurse, the
24 licensed mental health care practitioner making this determination shall immediately notify the
25 Board and Respondent by telephone, and the Board shall request that the Attorney General's
26 office prepare an accusation or petition to revoke probation. Respondent shall immediately cease
27 practice and may not resume practice until notified by the Board. During this period of
28 suspension, Respondent shall not engage in any practice for which a license issued by the Board

1 is required, until the Board has notified Respondent that a mental health determination permits
2 Respondent to resume practice. This period of suspension will not apply to the reduction of this
3 probationary time period.

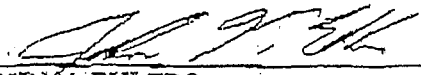
4 If Respondent fails to have the above assessment submitted to the Board within the 45-day
5 requirement, Respondent shall immediately cease practice and shall not resume practice until
6 notified by the Board. This period of suspension will not apply to the reduction of this
7 probationary time period. The Board may waive or postpone this suspension only if significant,
8 documented evidence of mitigation is provided. Such evidence must establish good faith efforts
9 by Respondent to obtain the assessment, and a specific date for compliance must be provided.
10 Only one such waiver or extension may be permitted.

11 15. **Therapy or Counseling Program.** Respondent, at his expense, shall participate in
12 an on-going counseling program until such time as the Board releases him from this requirement
13 and only upon the recommendation of the counselor. Written progress reports from the counselor
14 will be required at various intervals.

15 ACCEPTANCE


16 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
17 discussed it with my attorney, Marisol Ocampo. I understand the stipulation and the effect it will
18 have on my Registered Nurse License. I enter into this Stipulated Settlement and Disciplinary
19 Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order
20 of the Board of Registered Nursing.

21 DATED: 6-28-2012


22 JOHN V. EHLERS
Respondent

23 I have read and fully discussed with Respondent John V. Ehlers the terms and conditions
24 and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve
25 its form and content.

26 DATED: 6/28/12


27 MARISOL OCAMPO, ESQ.
Attorney for Respondent
28

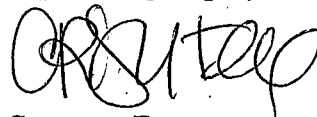
ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board of Registered Nursing of the Department of Consumer Affairs.

DATED: 06/19/2012

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
GREGORY J. SALUTE
Supervising Deputy Attorney General



CRISTINA FELIX
Deputy Attorney General
Attorneys for Complainant

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51120357.doc

Exhibit A

Accusation No. 2012-269

1 KAMALA D. HARRIS
Attorney General of California
2 ALFREDO TERRAZAS
Senior Assistant Attorney General
3 ARTHUR D. TAGGART
Supervising Deputy Attorney General
4 State Bar No. 083047
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 324-5339
Facsimile: (916) 327-8643
7 *Attorneys for Complainant*

8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. 2012-269

12 **JOHN V. EHLERS,**
13 **aka JOHN VINCENT EHLERS**
14 **8533 East California Drive**
Kingman, AZ 86401
15 **Registered Nurse License No. 524739**

ACCUSATION

Respondent.

16
17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her
20 official capacity as the Executive Officer of the Board of Registered Nursing ("Board"),
21 Department of Consumer Affairs.

22 2. On or about August 1, 1996, the Board issued Registered Nurse License
23 Number 524739 to John V. Ehlers, also known as John Vincent Ehlers ("Respondent").
24 Respondent's registered nurse license was in full force and effect at all times relevant to the
25 charges brought herein and will expire on March 31, 2012, unless renewed.

26 **STATUTORY PROVISIONS**

27 3. Business and Professions Code ("Code") section 2750 provides, in pertinent part, that
28 the Board may discipline any licensee, including a licensee holding a temporary or an inactive

1 license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing
2 Practice Act.

3 4. Code section 2764 provides, in pertinent part, that the expiration of a license shall not
4 deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or
5 to render a decision imposing discipline on the license. Under Code section 2811,
6 subdivision (b), the Board may renew an expired license at any time within eight years after the
7 expiration.

8 5. Code section 2761 states, in pertinent part:

9 The board may take disciplinary action against a certified or licensed
10 nurse or deny an application for a certificate or license for any of the following:

11 (a) Unprofessional conduct . . .

12

13 (4) Denial of licensure, revocation, suspension, restriction, or any other
14 disciplinary action against a health care professional license or certificate by another
15 state or territory of the United States, by any other government agency, or by another
16 California health care professional licensing board. A certified copy of the decision
17 or judgment shall be conclusive evidence of that action . . .

16 COST RECOVERY

17 6. Code section 125.3 provides, in pertinent part, that the Board may request the
18 administrative law judge to direct a licentiate found to have committed a violation or violations of
19 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
20 enforcement of the case.

21 CAUSE FOR DISCIPLINE

22 **(Disciplinary Action by the Arizona State Board of Nursing)**

23 7. Respondent is subject to disciplinary action pursuant to Code section 2761,
24 subdivision (a)(4), on the grounds of unprofessional conduct, in that he was disciplined by the
25 Arizona State Board of Nursing ("Arizona Board"), as follows: On or about March 23, 2011,
26 pursuant to Findings of Fact, Conclusions of Law and Order No. 0912006 ("Order") in the
27 disciplinary proceeding titled "In the Matter of Registered Nurse License No. RN098283 Issued
28 to: John Vincent Ehlers", the Arizona Board revoked Respondent's license to practice as a

1 registered nurse in Arizona. A true and correct copy of the Order is attached as **Exhibit A** and
2 incorporated herein by reference. In adopting the Findings of Fact, the Board determined as
3 follows:

4 a. On or about December 5, 2009, according to Kingman Police Department ("PD")
5 report number 2009-00029013, Kingman Regional Medical Center ("KRMC") security told
6 police that over the past six months, the computer screen on a balloon pump machine in the
7 hospital's intensive care unit ("ICU") had been damaged four times, and it had cost approximately
8 \$5,000 to repair the balloon pump each time. The last time it was damaged was approximately
9 three weeks earlier, and since then, a video surveillance camera was placed in the storage and
10 supply room. On December 5, 2009, the balloon pump was found to be damaged again. The
11 surveillance video for December 4, 2009 was reviewed, and it showed Respondent, an employee
12 of the ICU, enter the storage room, walk over to the balloon pump screen and strike the screen
13 twice with an object, then close the computer screen. Police located Respondent, who was on
14 duty, and arrested him. Respondent admitted to damaging the balloon pump, and stated that he
15 did not have a reason other than that his anger gets a "little overwhelming" at times.

16 b. On or about December 17, 2009, Respondent was charged in Mohave County
17 Superior Court, Arizona, Case Number CR-2009-1353 with criminal damage, a class five felony.

18 c. Respondent failed to report to the Arizona Board that he was charged with a felony
19 within 10 days of the charge being filed, as required by statute and rule.

20 d. On or about May 21, 2010, in the above-referenced criminal proceeding, Respondent
21 was convicted on his plea of guilty to criminal damage. Respondent was placed on three years
22 probation and was ordered to pay \$15,408.97 in restitution.

23 e. Respondent failed to report his conviction to the Arizona Board within ten days of the
24 conviction, as required by statute and rule.

25 f. On or about December 5, 2009, after Respondent was arrested by the Kingman PD at
26 approximately 11:00 p.m., KRMC discovered that Respondent had pre-charted on various
27 records, including patient flow sheets, progress notes, and a diabetic flow sheet, care that he had
28 not actually rendered to the patients.

1 g. Respondent failed to cooperate with Arizona Board staff by providing an incomplete
2 response to an Investigative Questionnaire and failing to return a criminal history questionnaire or
3 provide a police report or court records as requested.

4 PRAYER

5 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
6 and that following the hearing, the Board of Registered Nursing issue a decision:

7 1. Revoking or suspending Registered Nurse License Number 524739, issued to John V.
8 Ehlers, also known as John Vincent Ehlers;

9 2. Ordering to John V. Ehlers, also known as John Vincent Ehlers, to pay the Board of
10 Registered Nursing the reasonable costs of the investigation and enforcement of this case,
11 pursuant to Business and Professions Code section 125.3;

12 3. Taking such other and further action as deemed necessary and proper.

13
14 DATED: October 27, 2011



15 for LOUISE R. BAILEY, M.ED., RN
16 Executive Officer
17 Board of Registered Nursing
18 Department of Consumer Affairs
19 State of California
20 Complainant
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EXHIBIT A

Findings of Fact, Conclusions of Law and Order No. 0912006

ARIZONA STATE BOARD OF NURSING
4747 North 7th Street, Ste 200
Phoenix, Arizona 85014-3655
602-771-7800

IN THE MATTER OF REGISTERED NURSE
LICENSE NO. RN098283
ISSUED TO:

JOHN VINCENT EHLERS,

Respondent.

FINDINGS OF FACT,
CONCLUSIONS OF LAW
AND ORDER NO. 0912006

On March 23, 2011, the Arizona State Board of Nursing ("Board") considered the State's Motion to Deem Allegations Admitted and Recommended Discipline and Respondent's Response to the Motion, if any, at the Arizona Board of Nursing, 4747 North 7th Street, Suite 200, Phoenix Arizona 85014-3655. Elizabeth A. Campbell, Assistant Attorney General, appeared on behalf of the State. Respondent was not present and was not represented by counsel.

On March 23, 2011, the Board granted the State's Motion to Deem Allegations Admitted. Based upon A.R.S. § 32-1663(F) and Notice of Charges No. 0912006 issued in this matter, the Board adopts the following Findings of Fact, Conclusions of Law, and **REVOKES** Respondent's registered nurse license.

FINDINGS OF FACT

1. John Vincent Ehlers ("Respondent") holds Board issued registered nurse license no. RN098283.

2. The Board has authority pursuant to A.R.S. §§ 32-1606, 32-1663, and 32-1664 to impose disciplinary sanctions against the holders of nursing licenses for violations of the Nurse Practice Act, A.R.S. §§ 32-1601 to -1667.

5011 WVA -3 VN J: 22
RECEIVED

1 3. On or about December 9, 2009, the Board received a complaint from staff at Kingman
2 Regional Medical Center ("KRMC") in Kingman, Arizona, alleging that Respondent had damaged
3 KRMC property and was arrested on December 5, 2009, and that Respondent had also falsified
4 medical records on that day by documenting care and assessments that had not yet been done.
5

6 4. On or about December 5, 2009, at 2209, according to Kingman Police Department
7 report number 2009-00029013, KRMC Security told police that over the past six months, the
8 computer screen on a balloon pump machine in the intensive care unit of the hospital had been
9 damaged four times, and it had cost approximately \$5,000 to repair the balloon pump each time. The
10 last time it was damaged was approximately three weeks earlier, and since then, a video surveillance
11 camera was placed in the storage and supply room. On December 5, 2009, the balloon pump was
12 found to be damaged again. The surveillance video for December 4, 2009 was reviewed, and it
13 depicted Respondent, an employee of the Intensive Care Unit, enter the storage room, walk over to
14 the balloon pump screen and strike the screen twice with an object, then close the computer screen.
15 Police located Respondent, who was on duty, and arrested him. Respondent admitted to damaging
16 the balloon pump, and said he did not have a reason other than that his anger gets a "little
17 overwhelming" at times.
18
19
20

21 5. On or about December 17, 2009, in case number CR-2009-1353, a Felony Indictment
22 was filed charging Respondent with criminal damage, a class five felony, in the Mohave County
23 Superior Court in Mohave County, Arizona.
24

25 6. Respondent failed to report to the Board that he was charged with a felony within ten
26 days of the charge being filed, as required by statute and rule.

27 7. On or about May 21, 2010, in case number CR-2009-1353, Respondent was convicted,
28 pursuant to a guilty plea, of criminal damage, an undesignated offense. Respondent was placed on
29

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1 three years of probation, terms of which included payment of \$15,408.97 in restitution.

2 8. Respondent failed to report to the Board that he was convicted of an undesignated
3 offense within ten days of the conviction, as required by statute and rule.
4

5 9. From on or about April 27, 2009 to December 5, 2009, Respondent was employed by
6 KRMC. On or about December 5, 2010, Respondent was discharged from employment for
7 destruction of private property. On or about December 5, 2009, after Respondent was arrested by the
8 Kingman Police Department at approximately 11:00 PM, it was discovered that Respondent had pre-
9 charted on a flow sheet assessment for patient G.Mc. at midnight; wrote progress notes for patient
10 G.Mc. at 12:01 AM for December 6, 2009; and for another patient, G.M., charted on a flow sheet
11 assessment and a diabetic flow sheet at midnight; and wrote progress notes at 12:01 AM for
12 December 6, 2009.
13

14 10. On or about December 22, 2009, Board Staff mailed Respondent an Investigative
15 Questionnaire, and a criminal history questionnaire with instructions to provide a written explanation
16 and specific court and police records regarding each of his arrests, citations or charges, by January 19,
17 2010. Respondent was reminded that failure to cooperate with the Board by not furnishing in writing
18 a full and complete explanation covering the matter is unprofessional conduct and grounds for
19 disciplinary action.
20
21

22 11. On or about January 15, 2010, the Board received a Respondent's incomplete response
23 to the questionnaire. Respondent failed to return the criminal history questionnaire, or provide any
24 police report or court records. He did not explain what he did to damage the balloon pump.
25

26 12. On or about May 12, 2010, Board Staff sent Respondent a second questionnaire, with
27 instructions to complete it and return it with the required police and court records. Respondent was
28 informed that failure to cooperate with the Board's investigation could be considered a violation of
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1 the Nurse Practice Act, and the Board could take disciplinary actions against his license. Respondent
2 failed to respond.

3 CONCLUSIONS OF LAW

4
5 1. The conduct and circumstances alleged in the Factual Allegations constitute violations
6 of A.R.S. § 32-3208 (A)(A health professional who has been charged with a misdemeanor involving
7 conduct that may affect patient safety or a felony after receiving or renewing a license or certificate
8 must notify the health professional's regulatory board in writing within ten working days after the
9 charge is filed); and (D) (A health professional who does not comply with the notification
10 requirements of this section commits an act of unprofessional conduct. The health professional's
11 regulatory board may impose a civil penalty of not more than one thousand dollars in addition to
12 other disciplinary action it takes)(effective September 18, 2003).

13
14 2. The conduct and circumstances alleged in the Factual Allegations constitute violations
15 of A.R.S. § 32-1663(D) as defined in A.R.S. § 32-1601 (18)(d)(Any conduct or practice that is or
16 might be harmful or dangerous to the health of a patient or the public); (g)(Willfully or repeatedly
17 violating a provision of this chapter or a rule adopted pursuant to this chapter); (h)(Committing an act
18 that deceives, defrauds or harms the public); (i)(Failing to self-report a conviction for a felony or
19 undesignated offense within ten days after the conviction); and (j)(Violating a rule that is adopted by
20 the Board pursuant to this chapter) (effective October 14, 2009); specifically:

- 21
22
23 - A.A.C. R4-19-403(7) Failing to maintain for a patient record that accurately reflects the
24 nursing assessment, care, treatment, and other nursing services provided to the
25 patient)(effective February 2, 2009);
26 - A.A.C. R4-19-403(8)(Falsifying or making a materially incorrect, inconsistent, or
27 unintelligible entry in any record: a.) Regarding a patient, health care facility, school,
28 institution, or other work place location)(effective February 2, 2009);
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1 - A.A.C. R4-19-403(25)(Failing to):(25)(a)(Furnish in writing a full and
2 complete explanation of a matter reported pursuant to A.R.S. § 32-1664)(effective
3 February 2, 2009);

4 - A.A.C. R4-19-403 (28)(If a licensee or applicant is charged with a felony or a
5 misdemeanor involving conduct that may affect patient safety, failing to notify the
6 Board in writing, as required under A.R.S. § 32-3208, within ten days of being charged.
7 The licensee or applicant shall include the following in the notification: a) Name,
8 address, telephone number, social security number, and license number, if applicable; b)
9 Date of the charge; and c) Nature of the offense)(effective February 2, 2009);

10 - A.A.C. R4-19-403 (29)(Failing to notify the Board, in writing, of a conviction for a
11 felony or an undesignated offense within ten days of the conviction. The nurse or
12 applicant shall include the following in the notification: a) Name, address, telephone
13 number, social security number, and license number, if applicable; b) Date of the
14 conviction; c) Nature of the offense)(effective February 2, 2009);

15 - A.A.C. R4-19-403(31)(Practicing in any other manner that gives the Board reasonable
16 cause to believe the health of a patient or the public may be harmed)(effective February
17 2, 2009).

18 3. The conduct and circumstances described in the Findings of Fact constitute sufficient
19 cause pursuant to A.R.S. § 32-1664 (N) to suspend or revoke registered nurse license number
20 RN098283 of John Vincent Ehlers to practice as a registered nurse in the State of Arizona.

21 ORDER

22 In view of the above Findings of Fact and Conclusions of Law, the Board issues the following
23 Order:

24 Pursuant to A.R.S. § 32-1664(N), the Board hereby **REVOKES** registered nurse license
25 number RN098283 issued to John Vincent Ehlers.

26 RIGHT TO PETITION FOR REHEARING OR REVIEW

27 Pursuant to A.R.S. § 41-1092.09, Respondent may file, in writing, a motion for rehearing
28 or review within 30 days after service of this decision with the Arizona State Board of Nursing.
29 The motion for rehearing or review shall be made to the attention of Vicky Driver, Arizona State

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1 Board of Nursing, 4747 North 7th Street Ste 200, Phoenix AZ 85014-3655, and must set forth
2 legally sufficient reasons for granting a rehearing. A.A.C. R4-19-608.

3 For answers to questions regarding a rehearing, contact Vicky Driver at (602) 771-7852.

4 Pursuant to A.R.S. § 41-1092.09(B), if Respondent fails to file a motion for rehearing or review
5 within 30 days after service of this decision, Respondent shall be prohibited from seeking judicial
6 review of this decision.
7

8 This decision is effective upon expiration of the time for filing a request for rehearing or
9 review, or upon denial of such request, whichever is later, as mandated in A.A.C. R4-19-609.

10 Respondent may apply for reinstatement of said license pursuant to A.A.C. R4-19-404 after a
11 period of five years.
12

13 DATED this 23rd day of March, 2011.

14
15 SEAL

ARIZONA STATE BOARD OF NURSING

16 *Joey Ridenour R.N. M.N. F.A.A.N.*

17 Joey Ridenour, R.N., M.N., F.A.A.N.
18 Executive Director

19 COPIES mailed this 31st day of March, 2011, by Certified Mail No. 7009 0080 0000 0431 6196 and
20 First Class Mail to:

21 John Vincent Ehlers
22 8533 E California Dr
23 Kingman AZ 86401
24

25 By: Vicky Driver
26

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